

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RENEE GARCIA, et al.,

Plaintiffs,

v.

No. 1:20-cv-1006 MIS/JHR

ALBUQUERQUE INSTITUTE FOR
MATHEMATICS AND SCIENCE AT UNM,

Defendant.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION
ON PLAINTIFFS' MOTION FOR JUDGMENT ON THE RECORD**

THIS MATTER is before the Court on Magistrate Judge Jerry H. Ritter's Proposed Findings and Recommended Disposition ("PFRD"), ECF No. 33, which recommended denying Plaintiffs' Motion for Judgment on the Record, ECF No. 18. The PFRD notified the parties of their ability to file objections within fourteen days. ECF No. 33 at 17. This deadline has now passed without either party objecting to the PFRD.

The PFRD concluded that, contrary to Plaintiffs' assertions, "a valid equitable basis exists for denying compensatory education and that denial is appropriate considering" the purposes of the Individuals with Disabilities Education Act. *Id.* at 16. Consequently, the PFRD recommended that the Court deny Plaintiffs' Motion for Judgment on the Record. *Id.* Having reviewed the PFRD, and noting that the parties have filed no objections thereto, the Court concurs with the PFRD.

"A party's objections to [a PFRD] must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review." *U.S. v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The parties' failure to timely object to the PFRD thus waives appellate review of both factual and legal questions. *In re Key*

Energy Res. Inc., 230 F.3d 1197, 1199–1200 (10th Cir. 2000); *One Parcel of Real Prop.*, 73 F.3d at 1059.

IT IS THEREFORE ORDERED that Magistrate Judge Jerry H. Ritter's Proposed Findings and Recommended Disposition, ECF No. 33, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Judgment on the Record, ECF No. 18, is **DENIED**.

IT IS FURTHER ORDERED that the Due Process Hearing Officer's decision is **AFFIRMED**.

IT IS FINALLY ORDERED that Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Margaret Strickland", written over a horizontal line.

MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE